

TIFFANY & BOSCO, P.A.

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Attorney for BAYVIEW LOAN SERVICING, LLC, servicing agent for
The Bank of New York Mellon, as Trustee on Behalf of the
Certificateholders CWALT, Inc. Alternative Loan Trust
2004-36CB Mortgage Pass-Through Certificates, Series 2004-36CB

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Melani Schulte and William R. Schulte,

Debtors.

BK-09-29123-mkn

Chapter 11

EX-PARTE APPLICATION FOR AN ORDER PURSUANT TO 362(c)(1) and (c)(2)(C)

BAYVIEW LOAN SERVICING, LLC, servicing agent for The Bank of New York Mellon, as Trustee on Behalf of the Certificateholders CWALT, Inc. Alternative Loan Trust 2004-36CB Mortgage Pass-Through Certificates, Series 2004-36CB, (“Secured Creditor” or “Movant” hereinafter), requests from this Court an Order Confirming that the Automatic Stay of 11 U.S.C § 362 has terminated with respect to the Debtors due to confirmation of the Debtors’ plan and their subsequent discharge. This application is supported by the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

1. That on or about October 11, 2009, the above named Debtors filed a Chapter 11 Petition in Bankruptcy with the Court
2. Secured Creditor is the current payee of a promissory note dated December 3, 2004, in the principal sum of \$184,000.00 (“Promissory Note” herein), secured by a Real Property Deed of

1 Trust of same date ("Trust Deed" herein) upon property generally described as 1701 Empire Mine
2 Drive, Henderson, NV 89014 ("subject property" herein). Secured Creditor is informed and believes,
3 and, based upon such information and belief, alleges that title to the subject property is currently vested
4 in the name of Debtors and that the Debtors are in default of the loan obligations.

5 3. The Debtors' plan was confirmed March 8, 2011, and vested all property of the estate in
6 them (docket entry 912).

7 4. The Debtors subsequently received their discharge on December 15, 2015 (docket
8 entry 1182). Movant filed a Notice of Breach and Failure to Comply with Terms of Confirmed Plan and
9 Agreed Order on August 15, 2017 (docket no. 1238).

10 5. Secured Creditor requests that the Court enter an Order confirming that no automatic
11 stay affecting Secured Creditor is currently in effect with respect to the Debtors or the estate.

12 6. Bankruptcy Code Section 362(c)(1) and (c)(2) state as follows:

13 (c)(1) [T]he stay of an act against property of the estate under section (a) of this section
14 continues until such property is no longer property of the estate; and

15 (c)(2)(C) [I]f the case is a case under chapter 7 of this title concerning an individual or a
16 case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied

17 7. Secured Creditor respectfully requests an order from the Court confirming that the
18 Automatic Stay has terminated as to Secured Creditor, and that Secured Creditor may proceed with
19 collection on the note, including but not limited to enforcing its security interest in the subject property
20 described herein.

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CERTIFICATE OF MAILING OF EX PARTE APPLICATION

1. On January 31, 2018, I served the following document:

EX PARTE APPLICATION

2. I served the above-named document by the following means to the persons as listed below:

X a. ECF System

Daniel L. McGookey
dmcgookey@mcgookeylaw.com

David A Riggi
darnvbk@gmail.com

Steven L. Yarmy
sly@stevenyarmy;aw.com

Attorneys for Debtors

1 **X b. United States mail, postage fully prepaid:**

2
3 William R. Schulte
4 Melani Schulte
5 9811 W. Charleston Blvd.#2-351
6 Las Vegas, NV 89117
7 Debtors

8 **I declare under penalty of perjury the foregoing is true and correct.**

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10 DATED this 31 day of January, 2018.

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By: /s/ Brad Anderson

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**ORDER RE: EX-PARTE APPLICATION FOR AN ORDER PURSUANT TO 362(c)(1) and
(c)(2)(C)**

The Court has reviewed the Secured Creditor's Ex-Parte Application For An Order Pursuant To
362(c)(1) and (c)(2)(C) and rules as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the
above-entitled bankruptcy proceedings has terminated for all purposes as to BAYVIEW LOAN
SERVICING, LLC, servicing agent for The Bank of New York Mellon, as Trustee on Behalf of the

Certificateholders CWALT, Inc. Alternative Loan Trust 2004-36CB Mortgage Pass-Through
Certificates, Series 2004-36CB, of the subject property, generally described as 1701 Empire Mine
Drive, Henderson, Nevada 89014.

IT IS SO ORDERED.

Submitted by:

TIFFANY & BOSCO, P.A

By: /s/Gregory L. Wilde, Esq

Gregory L. Wilde, Esq.

Attorney for Secured Creditor